

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RONALD HOLTZ,

Plaintiff,

v.

JUAN ELIZONDO, H. ANNASON, J.L.  
FLUAITT, A. SAWYER, TRACY STENKEL,  
N. PALAMINO, LES SCNEIDER and  
FLORES,

Defendants.

No. 13-CV-5058-EFS

**ORDER DISMISSING COMPLAINT  
WITHOUT PREJUDICE AND DIRECTING  
THAT COLLECTION OF THE FILING FEE  
CEASE**

By Order filed June 19, 2013, ECF No. 19, the Court directed Plaintiff to amend or voluntarily dismiss his complaint within sixty (60) days. Plaintiff sought additional time to comply with this Order and was granted until September 19, 2013, to do so, ECF No. 23.

By letter dated August 28, 2013, Plaintiff advised the Court that he did not have his legal property and indicated that he would sign the motion to voluntarily dismiss and would ask that the filing fee be expunged. It is unclear whether Plaintiff was actually sent an additional copy of the Order to Amend or Voluntarily Dismiss, along with the Motion form, as stated in a letter dated September 4, 2013.

Because Plaintiff has stated his intent to voluntarily dismiss this action the Court will liberally construe his letter, ECF No. 24,

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT  
COLLECTION OF THE FILING FEE CEASE -- 1

1 as a Motion to Voluntarily Dismiss the Complaint pursuant to Rule  
2 41(a), Federal Rules of Civil Procedure. Defendants have not been  
3 served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion,  
4 **ECF No. 24** is **GRANTED** and the Complaint is **DISMISSED WITHOUT**  
5 **PREJUDICE.**

6 The Court will also liberally construe the letter as a Motion to  
7 waive collection of the remaining balance of the filing fee in this  
8 action. For good cause shown, **IT IS ORDERED** Plaintiff's Motion, **ECF**  
9 **No. 24**, is **GRANTED** and the institution having custody of Mr. Holtz  
10 shall cease collection of the filing fee in this action, cause number  
11 **CV-13-5058-EFS.**

12 **IT IS SO ORDERED.** The District Court Executive is directed to  
13 enter this Order, enter judgment of dismissal without prejudice,  
14 forward a copy to Plaintiff and close the file. The District Court  
15 Executive is further directed to send a copy of this Order to the  
16 Office of the **Department of Corrections, Attn: LFO/COS UNIT, P.O. Box**  
17 **41107, Olympia, WA 98504-1107**, to forward to the appropriate agency  
18 having custody of Plaintiff. The District Court Executive also **shall**  
19 provide a copy of this Order to the Financial Administrator for the  
20 United States District Court, Eastern District of Washington.

21 **DATED** this 25<sup>th</sup> day of September 2013.

22  
23 s/ Edward F. Shea  
EDWARD F. SHEA  
24 Senior United States District Judge  
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